

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JOSEPH DOUGLAS,

Plaintiff,

- vs -

9:07-CV-0080  
(DNH)(GJD)

D. SKELLIE, Correction Officer, Great Meadow  
Correctional Facility; PREVOST, Correction  
Officer, Great Meadow Correctional Facility; and  
SERGEANT VAUGHN, Correction Sergeant,  
Great Meadow Correctional Facility,

Defendants.

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APPEARANCES:

JOSEPH DOUGLAS  
Plaintiff, *pro se*

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff Joseph Douglas commenced this action on January 22, 2007, by filing a civil rights complaint together with an application to proceed *in forma pauperis* and an inmate authorization form. Dkt. Nos. 1 - 3. Upon reviewing plaintiff's submissions, the Court determined that he had not signed his complaint, *in forma pauperis* application, or inmate authorization form. Accordingly, by Order of this Court filed on February 8, 2007 ("February Order"), plaintiff was directed to submit to the Court, within thirty days of the filing date of the February Order, a Rule 11 Affidavit attesting to the fact that he read the complaint, *in forma pauperis* application, and inmate authorization form and abides by the representations contained in Fed. R. Civ. P. 11 with respect to each of the three

submissions,<sup>1</sup> or face possible dismissal of his action. Dkt. No. 5. Plaintiff has timely filed the required documents. See Dkt. Nos. 6 and 7. Thus, the Court may properly consider his application to proceed *in forma pauperis*. After reviewing the entire file herein, including plaintiff's *in forma pauperis* application, completed inmate authorization form, and Rule 11 Affidavit, the Court finds that he may properly proceed with this matter *in forma pauperis*.

THEREFORE, it is

ORDERED, that

1. Plaintiff's *in forma pauperis* application is granted.<sup>2</sup> The Clerk shall issue summonses and forward them, along with a copies of the complaint, to the United States Marshal for service upon the named defendants. The Clerk shall forward a copy of the summons and complaint by mail to the Office of the Attorney General for the State of New York, together with a copy of this Order;

2. The Clerk provide the Superintendent of the facility designated by plaintiff as his current location with a copy of plaintiff's authorization form, notify the official that this action has been filed, and that plaintiff is required to pay the entire statutory filing fee of \$350.00 pursuant to 28 U.S.C. § 1915;

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<sup>1</sup> Rule 11 states in relevant part that "[e]very pleading, written motion, and other paper . . . , if the party is not represented by an attorney, shall be signed by the party." See Fed. R. Civ. P. 11(a). Rule 11 also states that by signing such documents, the party is attesting to the Court, among other things, that he or she is not presenting the submission for any improper purpose. See Fed. R. Civ. P. 11(b).

<sup>2</sup> Plaintiff should note that although the Application to Proceed *In Forma Pauperis* has been granted, he will still be required to pay fees that he may incur in this action, including copying and/or witness fees.

3. The Clerk provide a copy of plaintiff's authorization form to the Financial Deputy of the Clerk's Office;

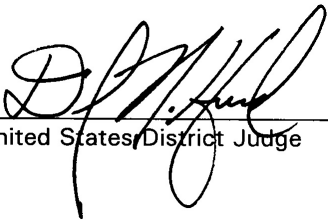
4. A formal response to plaintiff's complaint be filed by the defendants or their counsel as provided for in Rule 12 of the Federal Rules of Civil Procedure subsequent to service of process on the defendants;

5. All pleadings, motions and other documents relating to this action shall be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. **Any paper sent by a party to the Court or the Clerk shall be accompanied by a certificate setting forth the date a true and correct copy of it was mailed to all opposing parties or their counsel. Any letter or other document received by the Clerk or the Court which does not include a certificate of service which clearly states that an identical copy was served upon all opposing parties or their attorneys is to be returned, without processing, by the Clerk, to the party that sent it.** Plaintiff shall also comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. All parties must comply with Local Rule 7.1 of the Northern District of New York in the filing of motions, which are to be made returnable before the assigned Magistrate Judge on any business day with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the Clerk's Office and counsel for the defendants of any change in his address; his failure to do so will result in the dismissal of this action.** All motions will be decided on submitted papers, without oral argument, unless otherwise ordered by this Court; and

6. The Clerk is directed to serve a copy of this Order on plaintiff.

IT IS SO ORDERED.

Dated: March 9, 2007  
Utica, New York.

  
United States District Judge